

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

-----X  
SIDLYNE MATHURIN,

Index No.:

Plaintiff,

COMPLAINT

-against-

THE CITY OF NEW YORK, THE NEW YORK CITY  
POLICE DEPARTMENT, and JOHN DOES-Police  
Officers as yet unidentified,

Defendants.  
-----X

Plaintiff, by her attorneys, RUBENSTEIN & RYNECKI, ESQS., complaining of the defendants herein, upon information and belief, respectfully shows to this Court, and alleges as follows:

**AS AND FOR A FIRST CAUSE OF ACTION FOR  
FALSE ARREST ON BEHALF OF SIDLYNE MATHURIN**

1. That at all times hereinafter mentioned, plaintiff was and still is a resident of the County of Kings, City and State of New York.
2. That all times hereinafter mentioned, the defendant, THE CITY OF NEW YORK, was and still is a municipal corporation, duly organized and existing pursuant to the laws of the State of New York.
3. That the defendant, THE CITY OF NEW YORK, maintains a police force known as the NEW YORK CITY POLICE DEPARTMENT.
4. That prior hereto on September 24, 2015, and within the time prescribed by law, a sworn Notice of Claim stating, among other things, the time when and place where the injuries and damages were sustained, together with plaintiff's demands for adjustment or payment thereof, and that thereafter the CITY OF NEW YORK refused or neglected for more than (30) days and up to the commencement of this action to make any adjustment or payment thereof, and that thereafter, and within the time provided by law, this action was commenced.

5. That on December 14, 2015, pursuant to the General Municipal Law, a Statutory 50-H hearing of plaintiff was held.

6. That on August 5, 2015, and at all times hereinafter mentioned and upon information and belief, defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, employed JOHN DOES-Police Officers as yet unidentified, as agents, servants and/or employees.

7. That on August 5, 2015, and at all times hereinafter mentioned and upon information and belief, the plaintiff, SIDLYNE MATHURIN, was lawfully present at or about the premises known as 611 East 21<sup>st</sup> Street, specifically in apartment # 2E, County of Kings, City and State of New York.

8. That on August 5, 2015, and at all times hereinafter mentioned and upon information and belief, the plaintiff, SIDLYNE MATHURIN, was falsely arrested by defendants, POLICE OFFICER DAVID GRIECO and JOHN DOES-Police Officers as yet unidentified, who were acting within the scope of their employment with the defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, at the aforesaid premises.

9. That on August 5, 2015, and at all times hereinafter mentioned and upon information and belief, the aforementioned false arrest was performed knowingly, intentionally and willfully.

10. That on August 5, 2015, and at all times hereinafter mentioned and upon information and belief the defendants, JOHN DOES-Police Officers as yet unidentified, who falsely arrested the plaintiff, SIDLYNE MATHURIN, were acting within the scope of their employment with the defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT.

11. That on August 5, 2015, and at all times hereinafter mentioned and upon information and belief, the arrest and confinement was without probable cause nor based on reasonable grounds and not founded upon an arrest warrant.

12. That as a result of the aforesaid false arrest and confinement, plaintiff, SIDLYNE MATHURIN, sustained serious permanent personal injuries along with humiliation, shame, indignity, damage to reputation and credit and suffered emotional and physical distress and

injuries.

13. By the reason of the foregoing, the plaintiff, SIDLYNE MATHURIN, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

**AS AND FOR A SECOND CAUSE OF ACTION FOR NEGLIGENT  
HIRING AND RETENTION ON BEHALF OF SIDLYNE MATHURIN**

14. The plaintiff repeats and realleges each and every allegation set forth above numbered "1" through "13" inclusive with the same force and effect as if more fully set forth at length herein.

15. That defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, did not exercise reasonable care and diligence in the selection, engagement, employment and training of their agents, servants, and employees and were negligent in the hiring, training and retention of the defendants, JOHN DOES-Police Officers as yet unidentified, who assaulted, battered and violated the civil rights of the plaintiff, SIDLYNE MATHURIN.

16. That the defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, had prior knowledge of the inappropriate, unlawful, and improper conduct of the defendants, JOHN DOES-Police Officers as yet unidentified, and continued to employ them and allowed them to be in contact with the public at large.

17. By the reason of the foregoing, the plaintiff, SIDLYNE MATHURIN, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

**AS AND FOR A THIRD CAUSE OF ACTION FOR FALSE  
IMPRISONMENT ON BEHALF OF SIDLYNE MATHURIN**

18. The plaintiff repeats and realleges each and every allegation set forth above numbered "1" through "17" inclusive with the same force and effect as if more fully set forth at length herein.

19. That on August 5, 2015 , and at all times hereinafter mentioned and upon information and belief, defendants, JOHN DOES- Police Officers as yet unidentified, were acting within the scope of their employment when they, without justification and without probable cause, imprisoned the plaintiff.

20. That defendants, JOHN DOES-Police Officers as yet unidentified, while acting within the scope of their employment, intentionally confined the plaintiff against her will and said confinement was not privileged.

21. By the reason of the foregoing, the plaintiff, SIDLYNE MATHURIN, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

**AS AND FOR A FOURTH CAUSE OF ACTION FOR INTENTIONAL  
AND NEGLIGENT INFLICTION OF EMOTIONAL  
DISTRESS ON BEHALF OF SIDLYNE MATHURIN**

22. The plaintiff repeats and realleges each and every allegation set forth above numbered "1" through "21" inclusive with the same force and effect as if more fully set forth at length herein.

23. The defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, including but not limited to JOHN DOES-Police Officers as yet unidentified, acted intentionally, recklessly and with utter disregard to the consequences of their actions and caused severe emotional distress to the plaintiff through their actions.

24. Said actions exceeded all reasonable bounds of decency, were outrageous and shocking and resulted in severe emotional distress to the plaintiff, SIDLYNE MATHURIN.

25. That as a result of said intentional and negligent acts, the plaintiff, SIDLYNE MATHURIN, become sick, sore, lame and disabled, received severe and serious injuries in and about diverse parts of her person and suffered great physical pain, distress, mental shock, mental anguish and psychological trauma and was otherwise injured.

26. By reason of the foregoing, the plaintiff, SIDLYNE MATHURIN, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

**AS AND FOR A FIFTH CAUSE OF ACTION FOR CIVIL  
RIGHTS VIOLATION ON BEHALF OF SIDLYNE MATHURIN**

27. The plaintiff repeats and realleges each and every allegation set forth above numbered "1" through "26" inclusive with the same force and effect as if more fully set forth at length herein.

28. The defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, including but not limited to JOHN DOES-Police Officers as yet unidentified, were acting under the color of law and within the scope of their authority, falsely arrested and falsely imprisoned the plaintiff, SIDLYNE MATHURIN, in violation of 42 U.S.C.A. section 1983 as well as other applicable state and federal laws.

29. The defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, including but not limited to JOHN DOES-Police Officers as yet unidentified, acting under color of law and within the scope of their authority, deprived the plaintiff, SIDLYNE MATHURIN, of liberty without due process and without reasonable cause in violation of 42 U.S.C.A. Section 1983 as well as other applicable state and federal laws.

30. The defendants had deprived the plaintiff by their actions of her civil rights as guaranteed by statute.

31. That the false arrest and false imprisonment was in violation of the civil rights of the plaintiff, more particularly, 42 U.S.C.A. Section 1983 as well as other applicable state and federal laws.

32. That the deprivation by the defendants of plaintiff's civil rights was a result of said defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, including but not limited to JOHN DOES-Police Officers as yet unidentified, acting under color of law and within their authority as law enforcement officers within the employ of defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT.

33. That the defendants' actions were not privileged or immune.

34. That the defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, including but not limited to JOHN DOES-Police Officers as yet unidentified, were not acting with immunity when they deprived plaintiff of her civil rights.

35. By the reason of the foregoing, the plaintiff, SIDLYNE MATHURIN, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

**WHEREFORE**, plaintiff, SIDLYNE MATHURIN, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts on the **First** Cause of Action; plaintiff, SIDLYNE MATHURIN, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts on the **Second** Cause of Action; plaintiff, SIDLYNE MATHURIN, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts on the **Third** Cause of Action; plaintiff, SIDLYNE MATHURIN, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts on the **Fourth** Cause of Action; plaintiff, SIDLYNE MATHURIN, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts on the **Fifth** Cause of Action; together with attorneys' fees, and the costs and disbursements of this action.

DATED: Brooklyn, New York  
April 28, 2016

Yours, etc.

SCOTT E. RYNECKI, ESQ.  
RUBENSTEIN & RYNECKI, ESQS.  
Attorneys for Plaintiff  
SIDLYNE MATHURIN  
16 Court Street Suite 1717  
Brooklyn, New York 11241  
(718) 522-1020  
File No.: 15SM08-05



**INDIVIDUAL VERIFICATION**

STATE OF NEW YORK )

) SS:

COUNTY OF KINGS )

SIDLYNE MATHURIN, being duly sworn, deposes and says, that deponent is the plaintiff in the within action; that deponent has read the foregoing **COMPLAINT** and knows the contents hereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters deponent believes them to be true.

  
SIDLYNE MATHURIN

Sworn to before me this 11<sup>th</sup>  
day of May, 2016

  
NOTARY PUBLIC

**MAGDA MARIN-COLON**  
Notary Public, State of New York  
No. 01MA6158891  
Qualified in Richmond County  
Commission Expires 1-16-2019

PLEASE take notice that the within is a (*certified*) true copy of a duly entered in the office of the clerk of the within named court on

Dated,

Yours, etc.

**RUBENSTEIN & RYNECKI ESQS.**

*Attorneys for*

*Office and Post Office Address*  
16 COURT ST.  
BROOKLYN, N.Y. 11241

To

Attorney(s) for

## NOTICE OF SETTLEMENT

PLEASE take notice that an order

of which the within is a true copy will be presented for settlement to the Hon.

one of the judges of the within named Court, at

on

at M.

Dated,

Yours, etc.

**RUBENSTEIN & RYNECKI ESQS.**

*Attorneys for*

*Office and Post Office Address*  
16 COURT ST.  
BROOKLYN, N.Y. 11241

To

Attorney(s) for

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**SUPREME COURT OF THE STATE OF NEW YORK**  
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**JOHN DOES-Police Officers as yet unidentified,**

Defendants.

## SUMMONS AND COMPLAINT

Signature (Rule 130-1.1-a)

Print name beneath

**Plaintiff**

**RUBENSTEIN & RYNECKI ESQS.**

*Attorneys for*

*Office and Post Office Address, Telephone*  
16 COURT ST.  
BROOKLYN, N.Y. 11241  
(718) 522-1020

To

Attorney(s) for

Service of a copy of the within is hereby admitted.  
Dated

Attorney(s) for